

LORI A. SCARLETT
1015 North Stanley Avenue # 5
West Hollywood, California 90046
Telephone: (310) 331-8778
Plaintiff in Pro Per

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA – LOS ANGELES DIVISION

In re:

NEWTON CHUN TAK; and
LORI AILEEN SCARLETT,

Debtors.

Case No. 2:21-bk-16816-BB

Chapter 7

Adv. Proc. No. _____

LORI AILEEN SCARLETT,

Plaintiff,

vs.

U.S. DEPARTMENT OF
EDUCATION; PERFORMANT
RECOVERY, INC.; and WINDHAM
PROFESSIONALS, INC.

Defendants.

**DEBTOR LORI SCARLETT'S
COMPLAINT TO DETERMINE
DISCHARGEABILITY OF
STUDENT LOAN(S); AND
DEMAND FOR JURY TRIAL AND
STATEMENT OF CONSENT**

1 Plaintiff Lori Aileen Scarlett, a debtor in the above-captioned bankruptcy
2 case, alleges upon information and belief as follows:

3 **STATEMENT OF JURISDICTION AND VENUE**

4 1. Debtors Newton Chun Tak and Lori Aileen Scarlett (collectively
5 referred to herein as “Debtors” or individually as a “Debtor”) filed the bankruptcy
6 case in which this adversary proceeding arises and relates in the Central District of
7 California, Los Angeles Division, on or about August 27, 2021.

8 2. This action is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(I)
9 (determinations as to the dischargeability of particular debts).

10 3. This Court has jurisdiction over this adversary proceeding pursuant to
11 28 U.S.C. §§ 157 and 1334.

12 4. Venue is proper in this District pursuant to 28 U.S.C. § 1409, as this
13 adversary proceeding arises under Title 11 or arises under or relates to a case under
14 Title 11 which is pending in this District.

15 5. Pursuant to 11 U.S.C. § 523, Plaintiff is required to bring this
16 proceeding to obtain a determination from the Court regarding the dischargeability
17 of Plaintiff’s debt to defendant U.S. Department of Education.

18 **THE PARTIES**

19 6. Plaintiff Lori Aileen Scarlett (“Plaintiff”) is an individual presently
20 residing in the County of Los Angeles, State of California. Plaintiff is also one of
21 the two Debtors in the above-captioned Chapter 7 case.

22 7. Defendant U.S. Department of Education (the “ED”) is a Cabinet-level
23 department and instrumentality of the United States Government, which has its
24 headquarters in the federal district of Washington, District of Columbia, and is a
25 creditor of Plaintiff.

26 8. Defendant Performant Recovery, Inc. (“Performant”), is a California
27 corporation, which has its principal office in California at 333 North Canyons
28 Parkway, Suite 100, Livermore, California 94551, which provides debt collection

1 services, and which is or previously was providing debt collection services on
2 behalf of the ED for one or more of the student loans that are the subject of this
3 adversary complaint.

4 9. Defendant Windham Professionals, Inc. (“Windham”), is a
5 Massachusetts corporation, which has its principal executive office at 384 Main
6 Street, Salem, New Hampshire 03079, which provides debt collection services, and
7 which is or previously was providing debt collection services on behalf of the ED
8 for one or more of the student loans that are the subject of this adversary complaint.

9 10. Defendants the ED, Performant, and Windham are collectively
10 referred to herein as “Defendants.”

11 11. Timothy Yoo is the bankruptcy trustee assigned to above-captioned
12 Chapter 7 case and is a nominal party to this adversary proceeding.

13 **FACTUAL BACKGROUND**

14 12. In or around September 1989, Plaintiff enrolled as a student at Kent
15 State University in Kent, Ohio, the cost of which was partially covered through one
16 or more student loans that Plaintiff borrowed from Defendants (“Student Loan(s)").

17 13. Plaintiff listed Defendants and the Student Loan(s) in Schedule E/F to
18 Debtors’ Voluntary Petition for Chapter 7 bankruptcy.

19 14. Plaintiff is informed and believes that her total indebtedness to
20 Defendants for the Student Loan(s) is approximately \$50,000. Plaintiff presently
21 has little information on her Student Loan(s) and the actual total indebtedness
22 amount may be more than this amount.

23 15. Although Plaintiff is currently married to her co-Debtor, Debtors are
24 separated and have been separated since on or about January 2020, do not share any
25 income or expenses since being separated, and intend to file for dissolution after
26 their Chapter 7 bankruptcy case closes.

FIRST CLAIM FOR RELIEF

(Determine Debt Dischargeable Under 11 U.S.C. § 523 for Undue Hardship)

16. Plaintiff re-alleges and incorporates by this reference each and every allegation contained in Paragraphs 1 through 15, inclusive, as though fully set forth herein.

17. Plaintiff is currently unemployed and has no source of income. She had previously been living off of Pandemic unemployment benefits which amounted to approximately \$1,800 per month, or \$21,600 per year (far below the “extremely low income” amount of the \$24,850 per year for Los Angeles County as determined for 2021 by the U.S. Department of Housing and Urban Development), prior to that benefit ending in or around September 2021, and which amount is and was not even adequate to afford the basic necessities of life.

18. Plaintiff has applied for, or is otherwise in the process of applying for, unemployment benefits from the California Employment Development Department, but at this time is not receiving *any* benefits and presently does not have any employment income.

19. Plaintiff’s average monthly expenses are over \$2,600, which **exceeded** her monthly unemployment income of \$1,800 that she was previously receiving. Plaintiff has managed to cover some of her most necessary expenses largely through gifts and assistance from friends and family.

20. Critically, there have been continuing increases in cost of living in the United States, particularly since the COVID-19 Pandemic began. Very recently on November 10, 2021, the Wall Street Journal reported that U.S. inflation hit a 31-year high in October 2021.

21. Plaintiff has no resources to repay the Student Loan(s) and *any* payment Plaintiff would make would be at a great hardship. Excepting the loans from discharge would impose a tremendous and undue hardship on Plaintiff.

1 WHEREFORE, Plaintiff prays that this Court enter an order declaring the
2 entirety of Plaintiff's Student Loan(s) to be dischargeable in this bankruptcy case.

3
4 DATED: November 22, 2021

LORI AILEEN SCARLETT

5 By: /s/ Lori A. Scarlett

6 Lori A. Scarlett

7 Plaintiff in Pro Per
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DEMAND FOR JURY TRIAL AND STATEMENT OF CONSENT

Pursuant to LBR 9015-2, plaintiff Lori Aileen Scarlett hereby demands a trial
by jury of all of the issues herein so triable.

Plaintiff consents to a jury trial conducted by the Bankruptcy Court.

DATED: November 22, 2021

LORI AILEEN SCARLETT

By: /s/ Lori A. Scarlett

Lori A. Scarlett

Plaintiff in Pro Per

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

A true and correct copy of the foregoing document entitled (*specify*): **DEBTOR LORI SCARLETT'S COMPLAINT TO DETERMINE DISCHARGEABILITY OF STUDENT LOAN(S); AND DEMAND FOR JURY TRIAL AND STATEMENT OF CONSENT** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) _____, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☐ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On (*date*) _____, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (*state method for each person or entity served*): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) _____, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Date

Printed Name

Signature

B1040 (FORM 1040) (12/15)

ADVERSARY PROCEEDING COVER SHEET (Instructions on Reverse)		ADVERSARY PROCEEDING NUMBER (Court Use Only)		
PLAINTIFFS Lori Aileen Scarlett	DEFENDANTS U.S. Department of Education; Performant Recovery, Inc.; and Windham Professionals, Inc.			
ATTORNEYS (Firm Name, Address, and Telephone No.) Lori A. Scarlett, Plaintiff in Pro Per 1015 North Stanley Avenue, Apt. 5, West Hollywood, CA 90046 Tel. (310) 331-8778	ATTORNEYS (If Known)			
PARTY (Check One Box Only) <input checked="" type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input type="checkbox"/> Creditor <input type="checkbox"/> Other <input type="checkbox"/> Trustee	PARTY (Check One Box Only) <input type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input checked="" type="checkbox"/> Creditor <input type="checkbox"/> Other <input type="checkbox"/> Trustee			
CAUSE OF ACTION (WRITE A BRIEF STATEMENT OF CAUSE OF ACTION, INCLUDING ALL U.S. STATUTES INVOLVED) Claim to Determine Debt Dischargeable Under 11 U.S.C. § 523 for Undue Hardship				
NATURE OF SUIT (Number up to five (5) boxes starting with lead cause of action as 1, first alternative cause as 2, second alternative cause as 3, etc.)				
<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top; border: none;"> FRBP 7001(1) – Recovery of Money/Property <input type="checkbox"/> 11-Recovery of money/property - §542 turnover of property <input type="checkbox"/> 12-Recovery of money/property - §547 preference <input type="checkbox"/> 13-Recovery of money/property - §548 fraudulent transfer <input type="checkbox"/> 14-Recovery of money/property - other FRBP 7001(2) – Validity, Priority or Extent of Lien <input type="checkbox"/> 21-Validity, priority or extent of lien or other interest in property FRBP 7001(3) – Approval of Sale of Property <input type="checkbox"/> 31-Approval of sale of property of estate and of a co-owner - §363(h) FRBP 7001(4) – Objection/Revocation of Discharge <input type="checkbox"/> 41-Objection / revocation of discharge - §727(c),(d),(e) FRBP 7001(5) – Revocation of Confirmation <input type="checkbox"/> 51-Revocation of confirmation FRBP 7001(6) – Dischargeability <input type="checkbox"/> 66-Dischargeability - §523(a)(1),(14),(14A) priority tax claims <input type="checkbox"/> 62-Dischargeability - §523(a)(2), false pretenses, false representation, actual fraud <input type="checkbox"/> 67-Dischargeability - §523(a)(4), fraud as fiduciary, embezzlement, larceny <div style="text-align: center;">(continued next column)</div> </td> <td style="width: 50%; vertical-align: top; border: none;"> FRBP 7001(6) – Dischargeability (continued) <input type="checkbox"/> 61-Dischargeability - §523(a)(5), domestic support <input type="checkbox"/> 68-Dischargeability - §523(a)(6), willful and malicious injury <input checked="" type="checkbox"/> 63-Dischargeability - §523(a)(8), student loan <input type="checkbox"/> 64-Dischargeability - §523(a)(15), divorce or separation obligation (other than domestic support) <input type="checkbox"/> 65-Dischargeability - other FRBP 7001(7) – Injunctive Relief <input type="checkbox"/> 71-Injunctive relief – imposition of stay <input type="checkbox"/> 72-Injunctive relief – other FRBP 7001(8) Subordination of Claim or Interest <input type="checkbox"/> 81-Subordination of claim or interest FRBP 7001(9) Declaratory Judgment <input type="checkbox"/> 91-Declaratory judgment FRBP 7001(10) Determination of Removed Action <input type="checkbox"/> 01-Determination of removed claim or cause Other <input type="checkbox"/> SS-SIPA Case – 15 U.S.C. §§78aaa <i>et seq.</i> <input type="checkbox"/> 02-Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case) </td> </tr> </table>			FRBP 7001(1) – Recovery of Money/Property <input type="checkbox"/> 11-Recovery of money/property - §542 turnover of property <input type="checkbox"/> 12-Recovery of money/property - §547 preference <input type="checkbox"/> 13-Recovery of money/property - §548 fraudulent transfer <input type="checkbox"/> 14-Recovery of money/property - other FRBP 7001(2) – Validity, Priority or Extent of Lien <input type="checkbox"/> 21-Validity, priority or extent of lien or other interest in property FRBP 7001(3) – Approval of Sale of Property <input type="checkbox"/> 31-Approval of sale of property of estate and of a co-owner - §363(h) FRBP 7001(4) – Objection/Revocation of Discharge <input type="checkbox"/> 41-Objection / revocation of discharge - §727(c),(d),(e) FRBP 7001(5) – Revocation of Confirmation <input type="checkbox"/> 51-Revocation of confirmation FRBP 7001(6) – Dischargeability <input type="checkbox"/> 66-Dischargeability - §523(a)(1),(14),(14A) priority tax claims <input type="checkbox"/> 62-Dischargeability - §523(a)(2), false pretenses, false representation, actual fraud <input type="checkbox"/> 67-Dischargeability - §523(a)(4), fraud as fiduciary, embezzlement, larceny <div style="text-align: center;">(continued next column)</div>	FRBP 7001(6) – Dischargeability (continued) <input type="checkbox"/> 61-Dischargeability - §523(a)(5), domestic support <input type="checkbox"/> 68-Dischargeability - §523(a)(6), willful and malicious injury <input checked="" type="checkbox"/> 63-Dischargeability - §523(a)(8), student loan <input type="checkbox"/> 64-Dischargeability - §523(a)(15), divorce or separation obligation (other than domestic support) <input type="checkbox"/> 65-Dischargeability - other FRBP 7001(7) – Injunctive Relief <input type="checkbox"/> 71-Injunctive relief – imposition of stay <input type="checkbox"/> 72-Injunctive relief – other FRBP 7001(8) Subordination of Claim or Interest <input type="checkbox"/> 81-Subordination of claim or interest FRBP 7001(9) Declaratory Judgment <input type="checkbox"/> 91-Declaratory judgment FRBP 7001(10) Determination of Removed Action <input type="checkbox"/> 01-Determination of removed claim or cause Other <input type="checkbox"/> SS-SIPA Case – 15 U.S.C. §§78aaa <i>et seq.</i> <input type="checkbox"/> 02-Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case)
FRBP 7001(1) – Recovery of Money/Property <input type="checkbox"/> 11-Recovery of money/property - §542 turnover of property <input type="checkbox"/> 12-Recovery of money/property - §547 preference <input type="checkbox"/> 13-Recovery of money/property - §548 fraudulent transfer <input type="checkbox"/> 14-Recovery of money/property - other FRBP 7001(2) – Validity, Priority or Extent of Lien <input type="checkbox"/> 21-Validity, priority or extent of lien or other interest in property FRBP 7001(3) – Approval of Sale of Property <input type="checkbox"/> 31-Approval of sale of property of estate and of a co-owner - §363(h) FRBP 7001(4) – Objection/Revocation of Discharge <input type="checkbox"/> 41-Objection / revocation of discharge - §727(c),(d),(e) FRBP 7001(5) – Revocation of Confirmation <input type="checkbox"/> 51-Revocation of confirmation FRBP 7001(6) – Dischargeability <input type="checkbox"/> 66-Dischargeability - §523(a)(1),(14),(14A) priority tax claims <input type="checkbox"/> 62-Dischargeability - §523(a)(2), false pretenses, false representation, actual fraud <input type="checkbox"/> 67-Dischargeability - §523(a)(4), fraud as fiduciary, embezzlement, larceny <div style="text-align: center;">(continued next column)</div>	FRBP 7001(6) – Dischargeability (continued) <input type="checkbox"/> 61-Dischargeability - §523(a)(5), domestic support <input type="checkbox"/> 68-Dischargeability - §523(a)(6), willful and malicious injury <input checked="" type="checkbox"/> 63-Dischargeability - §523(a)(8), student loan <input type="checkbox"/> 64-Dischargeability - §523(a)(15), divorce or separation obligation (other than domestic support) <input type="checkbox"/> 65-Dischargeability - other FRBP 7001(7) – Injunctive Relief <input type="checkbox"/> 71-Injunctive relief – imposition of stay <input type="checkbox"/> 72-Injunctive relief – other FRBP 7001(8) Subordination of Claim or Interest <input type="checkbox"/> 81-Subordination of claim or interest FRBP 7001(9) Declaratory Judgment <input type="checkbox"/> 91-Declaratory judgment FRBP 7001(10) Determination of Removed Action <input type="checkbox"/> 01-Determination of removed claim or cause Other <input type="checkbox"/> SS-SIPA Case – 15 U.S.C. §§78aaa <i>et seq.</i> <input type="checkbox"/> 02-Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case)			
<input type="checkbox"/> Check if this case involves a substantive issue of state law	<input type="checkbox"/> Check if this is asserted to be a class action under FRCP 23			
<input checked="" type="checkbox"/> Check if a jury trial is demanded in complaint	Demand \$ to be determined at trial, but no less than \$50,000			
Other Relief Sought				

B1040 (FORM 1040) (12/15)

BANKRUPTCY CASE IN WHICH THIS ADVERSARY PROCEEDING ARISES		
NAME OF DEBTOR Newton Chun Tak and Lori Aileen Scarlett		BANKRUPTCY CASE NO. 2:21-bk-16816-BB
DISTRICT IN WHICH CASE IS PENDING Central District of California	DIVISION OFFICE Los Angeles Division	NAME OF JUDGE Hon. Sheri Bluebond
RELATED ADVERSARY PROCEEDING (IF ANY)		
PLAINTIFF	DEFENDANT	ADVERSARY PROCEEDING NO.
DISTRICT IN WHICH ADVERSARY IS PENDING	DIVISION OFFICE	NAME OF JUDGE
SIGNATURE OF ATTORNEY (OR PLAINTIFF) /s/ Lori A. Scarlett		
DATE November 22, 2021	PRINT NAME OF ATTORNEY (OR PLAINTIFF) Lori A. Scarlett, Plaintiff in Pro Per	

INSTRUCTIONS

The filing of a bankruptcy case creates an “estate” under the jurisdiction of the bankruptcy court which consists of all of the property of the debtor, wherever that property is located. Because the bankruptcy estate is so extensive and the jurisdiction of the court so broad, there may be lawsuits over the property or property rights of the estate. There also may be lawsuits concerning the debtor’s discharge. If such a lawsuit is filed in a bankruptcy court, it is called an adversary proceeding.

A party filing an adversary proceeding must also must complete and file Form 1040, the Adversary Proceeding Cover Sheet, unless the party files the adversary proceeding electronically through the court’s Case Management/Electronic Case Filing system (CM/ECF). (CM/ECF captures the information on Form 1040 as part of the filing process.) When completed, the cover sheet summarizes basic information on the adversary proceeding. The clerk of court needs the information to process the adversary proceeding and prepare required statistical reports on court activity.

The cover sheet and the information contained on it do not replace or supplement the filing and service of pleadings or other papers as required by law, the Bankruptcy Rules, or the local rules of court. The cover sheet, which is largely self-explanatory, must be completed by the plaintiff’s attorney (or by the plaintiff if the plaintiff is not represented by an attorney). A separate cover sheet must be submitted to the clerk for each complaint filed.

Plaintiffs and Defendants. Give the names of the plaintiffs and defendants exactly as they appear on the complaint.

Attorneys. Give the names and addresses of the attorneys, if known.

Party. Check the most appropriate box in the first column for the plaintiffs and the second column for the defendants.

Demand. Enter the dollar amount being demanded in the complaint.

Signature. This cover sheet must be signed by the attorney of record in the box on the second page of the form. If the plaintiff is represented by a law firm, a member of the firm must sign. If the plaintiff is pro se, that is, not represented by an attorney, the plaintiff must sign.

<p>Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address</p> <p>Lori A. Scarlett 1015 North Stanley Avenue, Apt. 5 West Hollywood, California 90046 Tel. (310) 331-8778</p> <p>Plaintiff, in Pro Per</p> <p><i>Attorney for Plaintiff</i></p>	<p>FOR COURT USE ONLY</p>
<p align="center">UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA - LOS ANGELES DIVISION</p>	
<p>In re: NEWTON CHUN TAK; and LORI AILEEN SCARLETT,</p> <p align="right">Debtor(s).</p>	<p>CASE NO.: 2:21-bk-16816-BB CHAPTER: 7 ADVERSARY NO.:</p>
<p>LORI AILEEN SCARLETT,</p> <p align="right">Plaintiff(s)</p> <p align="center">Versus</p> <p>U.S. DEPARTMENT OF EDUCATION; PERFORMANT RECOVERY, INC.; and WINDHAM PROFESSIONALS, INC.,</p> <p align="right">Defendant(s)</p>	<p align="center">SUMMONS AND NOTICE OF STATUS CONFERENCE IN ADVERSARY PROCEEDING [LBR 7004-1]</p>

TO THE DEFENDANT: A Complaint has been filed by the Plaintiff against you. If you wish to defend against the Complaint, you must file with the court a written pleading in response to the Complaint. You must also serve a copy of your written response on the party shown in the upper left-hand corner of this page. The deadline to file and serve a written response is _____. If you do not timely file and serve the response, the court may enter a judgment by default against you for the relief demanded in the Complaint.

A status conference in the adversary proceeding commenced by the Complaint has been set for:

<p>Hearing Date: _____</p> <p>Time: _____</p> <p>Courtroom: _____</p>	<p>Address:</p> <p><input checked="" type="checkbox"/> 255 East Temple Street, Los Angeles, CA 90012</p> <p><input type="checkbox"/> 3420 Twelfth Street, Riverside, CA 92501</p> <p><input type="checkbox"/> 411 West Fourth Street, Santa Ana, CA 92701</p> <p><input type="checkbox"/> 1415 State Street, Santa Barbara, CA 93101</p> <p><input type="checkbox"/> 21041 Burbank Boulevard, Woodland Hills, CA 91367</p>
--	---

This form is mandatory. It has been approved for use in the United States Bankruptcy Court for the Central District of California.

You must comply with LBR 7016-1, which requires you to file a joint status report and to appear at a status conference. All parties must read and comply with the rule, even if you are representing yourself. You must cooperate with the other parties in the case and file a joint status report with the court and serve it on the appropriate parties at least 14 days before a status conference. A court-approved joint status report form is available on the court's website (LBR form F 7016-1.STATUS.REPORT) with an attachment for additional parties if necessary (LBR form F 7016-1.STATUS.REPORT.ATTACH). If the other parties do not cooperate in filing a joint status report, you still must file with the court a unilateral status report and the accompanying required declaration instead of a joint status report 7 days before the status conference. **The court may fine you or impose other sanctions if you do not file a status report. The court may also fine you or impose other sanctions if you fail to appear at a status conference.**

**KATHLEEN J. CAMPBELL
CLERK OF COURT**

Date of Issuance of Summons and Notice of Status Conference in Adversary Proceeding: _____

By: _____
Deputy Clerk

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

A true and correct copy (1) of the foregoing document entitled: **SUMMONS AND NOTICE OF STATUS CONFERENCE IN ADVERSARY PROCEEDING [LBR 7004-1]** and (2) the accompanying pleading(s) entitled:

will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On *(date)* _____, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☐ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On *(date)* _____, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on *(date)* _____, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Date

Printed Name

Signature